

## Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 EURE-00 OIC-04 SSO-00 NSCE-00 INRE-00

SS-20 L-03 H-03 STR-08 NSC-07 PA-04 PRS-01 USIE-00

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UNCLAS OECD PARIS 16106

FOR EUR/RPE - TARRANT

E.O. 11652: N/A

TAGS: AORG, OECD

SUBJECT: OECD PART II ACTIVITIES

REF: TELCON TARRANT-ROGERS JULY 1

FOLLOWING BASED ON INFORMATION FROM OECD DEPUTY LEGAL  
ADVISOR SCOTT:

1. PROCEDURAL BASIS FOR ESTABLISHING PART II ACTIVITIES  
IS CONTAINED IN ARTICLE 5(B) OF OECD FINANCIAL REGULA-  
TIONS, WHICH PROVIDES FOR POSSIBILITY OF SEPARATE  
ACTIVITIES "OF COMMON INTEREST TO A LIMITED NUMBER OF  
MEMBERS, OR RELATING TO SPECIAL SECTORS OF ACTIVITY NOT  
COVERED BY PART I," FINANCED SEPARATELY FROM PART I  
GENERAL EXPENDITURES BUDGET.

2. COUNCIL UNDER ARTICLE 5(A) OF OECD CONVENTION AND  
RULE 19 OF RULES OF PROCEDURE CAN BY UNANIMITY DECIDE TO  
ESTABLISH A PART II ACTIVITY AND CAN DECIDE ITS TERMS OF  
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REFERENCE AND AUTHORITY.

A. ABSTENTION OR ABSENCE OF ONE OR MORE MEMBERS WOULD NOT PREVENT COUNCIL DECISION (CONVENTION ARTICLE 6:2 AND RULE 20).

B. COUNCIL, UNDER ARTICLES 5(A) AND 6 OF CONVENTION, COULD DELEGATE TO PART II BODY COMPOSED OF SOME BUT NOT NECESSARILY ALL OECD MEMBER GOVERNMENT COUNCIL'S OWN BROAD DECISION-MAKING AUTHORITY WITHIN DESIGNATED SUBJECT AREA, INCLUDING POWER TO MAKE DECISIONS LEGALLY BINDING ON MEMBER GOVERNMENTS (CONVENTION ARTICLE 5(A) AND RULE 18(A)(I)).

C. COUNCIL COULD PROVIDE THAT DECISIONS OF PART II BODY COULD BE TAKEN ON BASIS OTHER THAN THAT INDICATED ABOVE, SUCH AS BY MAJORITY VOTE (CONVENTION ARTICLE 6:1 AND PARA 135 OF PREPARATORY COMMITTEE REPORT OF DECEMBER 1960).

3. TERMS OF PARTICIPATION IN PART II ACTIVITY COULD BE DETERMINED (A) BY COUNCIL DECISION, OR (B) BY DECISION OF PART II BODY ITSELF PURSUANT TO POWERS DELEGATED BY THE COUNCIL. BODY COULD THEREFORE IN EFFECT ESTABLISH OWN REQUIREMENTS FOR ENTRY.

4. ONCE COUNCIL DECISION TAKEN, IT CAN ONLY BE CHANGED BY FURTHER DECISION OF COUNCIL AS INDICATED PARA 2.

5. DEGREE OF ATTACHMENT OF BODY CONCERNED TO REGULAR STRUCTURE OF OECD WOULD BE AS COUNCIL DETERMINED. BODY COULD, IN FACT, BE UNDER EITHER PART I OR PART II OF OECD BUDGET WITH ESSENTIALLY SAME CHARACTERISTICS INCLUDING AUTHORITY.

6. THUS, IN CONNECTION WITH ITS STRUCTURES AND PROCEDURES INCLUDING CONSTITUTION OF OECD MEMBERS IN A PART II ACTIVITY, FLEXIBILITY OF OECD CONVENTION IS SUCH THAT WHAT IS POLITICALLY POSSIBLE IS LEGALLY POSSIBLE.  
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